IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 9TH JULY 2007 / 18TH ASHADHA 1929

WP(C).No. 7225 of 2007(I)

PETITIONER:

GERALD WILSON.S, S/O SAVARI MUTHU,
AGED 27 YEARS, ELLIPARA, KOZHIPARA,
CHITOOR, PALAKKAD DISTRICT.

BY ADV. SRI.C.S.MANILAL

RESPONDENTS:

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1. THE KERALA PUBLIC SERVICE COMMISSION
REPRESENTED BY THE SECRETARY, PSC OFFICE,
PATTOM, THIRUVANANTHAPURAM.

2. THE KERALA AGRICULTURAL UNIVERSITY,
REPRESENTED BY THE REGISTRAR,
MANOOTHI, THRISSUR.

3. THE VICE CHANCELLOR,
THE KERALA AGRICULTURAL UNIVERSITY,
MANOOTHI, THRISSUR.

BY ADV. SHRI.P.C.SASIDHARAN, SC
ADV. SHRI.RENJITH THAMPAN, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) No. 7225/2007

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE NOTIFICATION DATED 18/11/2003.

P2 : COPY OF THE MARK LIST DATED 26/07/1999.

P3 : COPY OF THE MARK LIST DATED 22/10/1999.

P4 : COPY OF THE MARK LIST DATED 22/11/2000.

P5 : COPY OF THE MARK LIST DATED 28/11/2000.

P6 : COPY OF THE CERTIFICATE.

P7 : COPY OF THE ADMISSION TICKET.

P8 : COPY OF THE RANK LIST.

P9 : COPY OF the NOTICE DATED 04/07/2006.

P10 : COPY OF THE MEMO DATED 19/07/2006.

P11 : COPY OF THE REQUEST DATED 25/07/2006.

P12 : COPY OF THE COMMUNICATION DATED 01/09/2006.

P13 : COPY OF THE REQUEST.

P14 : COPY OF the ACKNOWLEDGEMENT CARD.

P15 : COPY OF THE SYLLABUS

// TRUE COPY //

PA TO JUDGE.

S. SIRI JAGAN, J.

W.P.(C)NO. 7225 OF 2007

DATED THIS THE 9th DAY OF JULY, 2007

JUDGMENT

The petitioner was included in the rank list of Agricultural Assistant Gr.II prepared by the Kerala Public Service Commission. The petitioner's qualification was Diploma in Agriculture from Tamil Nadu Agricultural University. By Ext.P12 order, the 2nd respondent declined to issue a certificate to the effect that the Diploma in Agriculture from Tamil Nadu Agricultural University is equivalent to Diploma in Kerala Agricultural University or equivalent qualification, which is the prescribed qualification for the post. This Court by interim order dated 5.3.07 directed the Kerala Agricultural University to take final decision regarding the equivalence of the two qualifications. Now an affidavit has been filed by the University to the following effect.

> "I am the Registrar of Kerala Agricultural University. I know the facts of the above case. The petitioner herein had filed the above writ petition seeking a direction to the 2nd respondent University to reconsider the request of the petitioner that certificate of equivalence after considering relevant matters including course study, syllabus and pass appropriate orders. It is submitted that the academic council of the Kerala Agricultural University as per its meeting dated 16.5.07 has decided to equate the Diploma in Agriculture of Tamil Naudu Agricultural University with Diploma in

> Agriculture and Rural Engineering course of the Kerala Agricultural University for the purpose of employment."

In view of the same, it is clear that the petitioner's qualification is sufficient qualification for the post to which he has been selected.

2. The counsel for the Public Service Commission would submit that since the petitioner has not produced the certificate regarding equivalency before the last date of filing applications, the present certificate cannot be taken as sufficient for holding that the petitioner is qualified for the post. I do not think that this contention of the PSC can be countenanced. Once the University declares that the qualification of the Diploma in Agriculture from Tamil Nadu Agricultural University is equivalent to the Diploma in Agriculture of the Kerala Agricultural University, the qualification of the petitioner becomes sufficient for the purpose of applying for the post.

3. In the above circumstances, I direct the 1st respondent, Kerala Public service Commission to take further steps in accordance with rank list on the basis that the petitioner is qualified for selection to the post.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

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